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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,447	02/23/2000	David Elworthy	1263.0899	3320
5514 7590 05/16/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER SPOONER, LAMONT M	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/511,447

**Applicant(s)**

ELWORTHY, DAVID

**Examiner**

Lamont M. Spooner

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

***Response to Arguments***

1. This Office Action is in response to the Interview Summary, 06/03/05, wherein indication of a new action to be mailed was made.

***Allowable Subject Matter***

2. Claim 23 is allowed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 9-14, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ortega et al. (Ortega, 6,144,958).
5. As per **claims 1, 9, 17-22**, Ortega et al teach a search apparatus for searching for data in the form of units of a natural language, (figure 4) the apparatus comprising:

interface means for receiving an input query in the form of a natural language and for outputting the results of the search (C.4.lines 10-19-his results);

matching means for searching for and identifying any matches between the units of the input query and the units of the data using reference data from said database so as to identify matched units, and any unmatched units syntactically linked to the matched units (C.8.lines 39-41-“determines where the query includes both matching and non-matching terms”, C.8.lines 17-42-“Appalachian” is matching unit, “Appalatian” is a non-matching unit, they are syntactically related by subject-see C.6.lines 20-24-his Subject discussion, Col. 8, lines 27-32, 39-41-a search term returns matching and non-matching terms, which are syntactically related by subject);

generating means for where there are unmatched units in the reference data (ibid, “Appalachian” is unmatched to Appalatian) generating context data in the form of one or more unmatched units of the reference data (ibid, “walks” is unmatched any word in the input query, and is context data, as it is in the context related to “hiking Appalatian trail”), each matched unit having a predefined syntactic relationship to one or more

matched units (see above discussion regarding “subject” and col. 8, lines 26-63, the query server invokes its spelling correction to attempt to correct the non-matching terms. The term correction process by retrieving the related term list for each matching term from the correlation table reads on predefined linguistic relationship).

forming means for forming output data as any said matched units and any respective context data (C.10.lines 30, 31-his modified query includes matched units and the respective context data-Appalachian).

As per **claims 2-6, 10-14**, Ortega et al teaches wherein said generating means is adapted to generate the ...modification relationship to the respective matches units (col. 8, lines 12-63, the spell correlation retrieves the related terms list for each matching term from the correlation table, wherein the contextually important modification is defined by the category, i.e. subject, wherein the filtering essentially filters out non-field-corresponding terms, C.6.lines 20-34, wherein a field corresponds to semantic, the subject defines the contextually important modification, see also C.7.lines 51-67-as his parsing to identify S, and related terms).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. (Ortega, 6,144,958) in view of Bowman (US 6,169,986).

As per **claims 7, 8, 15, 16**, It is noted that Ortega et al teach the claimed invention but does not explicitly teach wherein said forming means is adapted to form output data as a layered hierarchical structure identifying sets of data by their context data. However, Bowman teaches the lacking limitations, (See Fig. 9, his related query terms, and output C.13.lines 40-61). Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to output the data as taught by Ortega as a hierarchical structure, because it would allow a user to efficiently and intuitively identify a match within a contextual/hierarchical order (see Fig. 9, his search query and results).

***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**PATRICK N. EICH**  
**SUPERVISORY PATENT EXAMINER**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lms  
5/6/07

  
PATRICK M. EDOUARD  
SUPERVISORY PATENT EXAMINER